

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION**

**TENTATIVE ORDER NO. 2001-317**

**ADMINISTRATIVE CIVIL LIABILITY  
AGAINST  
7-ELEVEN, INC., LOCATION NO. 22894  
NONCOMPLIANCE WITH  
WASTE DISCHARGE REQUIREMENTS ORDER NO. 96-41  
NPDES NO. CAG919002**

The San Diego Regional Water Quality Control Board (hereinafter SDRWQCB), having held a public hearing on October 24, 2001, to hear evidence and comments on the allegations contained in Complaint No. 2001-307, dated October 12, 2001, and on the recommendation for administrative assessment of civil liability in the amount of \$12,000 finds as follows:

1. On June 13, 1996, SDRWQCB adopted Waste Discharge Requirements for Order No. 96-41 (NPDES No. CAG919002), a General Groundwater Dewatering/Remediation Permit. On May 22, 2000, 7-Eleven Location No. 22894 was approved to discharge waste water from the Dewatering/Remediation Project, located at 1030 North Broadway in the city of Escondido. The site discharges to Escondido Creek through a storm water drain on the adjacent sidewalk under the Discharge Requirements set forth in Order 96-41.
2. In September 2000, the discharger's self-monitoring report (SMR) indicated discharge concentrations of benzene and xylene beyond the permitted limits.
3. In October 2000, the discharger's SMR indicated discharge concentrations of phosphorus, pH and hydrogen sulfide beyond the permitted limits.
4. Under Sections 13385(h) and (i) of the Porter-Cologne Water Quality Control Act, each of the fourteen violations is subject to mandatory penalties as outlined in the following chart:

***Violations and Penalty Assessment (9/00 – 1/01)***

Sample Date	Pollutant	Permitted Limit	Reported Value	Chronic/Serious	Running Total	Penalty
09/13/00	benzene	5 µg/L	15 µg/L	Serious	1	\$3,000
09/13/00	xylene	5 µg/L	8.3 µg/L	Serious	2	\$3,000
10/09/00	pH	6.5-8.5	8.6	Chronic	3	\$0
10/09/00	phosphorus	0.2 mg/L	1.0 mg/L	Serious	4	\$3,000
10/09/00	H <sub>2</sub> S	10 µg/L	40 µg/L	Serious	5	\$3,000

Total \$12,000  
Penalty

5. The total amount of the mandatory penalty is \$12,000.
6. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000), in accordance with Section 15321, Chapter 3, Title 14, California Code of Regulations.

**IT IS HEREBY ORDERED**, pursuant to Section 13385 of the California Water Code that 7-Eleven, Inc. is assessed a total mandatory penalty of \$12,000, to be paid by October 24, 2001. The check is to be made out to the State Water Resources Control Board.

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JOHN H. ROBERTUS, Executive Officer

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Date